

FREQUENTLY ASKED QUESTIONS

Massachusetts Ethics / Conflict of Interest Law

This documents contains information about: Who is a public employee, Ethics Advice, Complaints, Violations, and Disclosures. Contact information can be found at the end of the document.

TO WHOM DO THE RESTRICTIONS UNDER THE CONFLICT OF INTEREST LAW APPLY?

1. What is a conflict of interest? Generally, a conflict of interest refers to a matter in which a public employee's private interests conflict or appear to conflict with his or her public duties or responsibilities.

2. Who is a public employee? A public employee generally is any elected or appointed state, county, or municipal employee, whether serving full-time or part-time, and whether paid or unpaid. The conflict of interest law defines a public employee as any person performing services for or holding an office, position, employment or membership in a state, county or municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis. *Elected members of a town meeting and members of a charter commission established under Article LXXXIV of the Amendments to the Constitution are not public employees according to the conflict of interest law.*

3. Are consultants or vendors hired by state, county, or municipal agencies public employees subject to the conflict of interest law? Yes, in certain circumstances. The Ethics Commission will consider several factors in determining whether any company employees who provide services to a governmental agency under the company's contract should be considered public employees subject to the conflict of interest law.

ADDITIONAL RESOURCES: [LINK TO EDUCATIONAL SEMINARS AND MATERIALS](#)

HOW DO I GET ADVICE ABOUT HOW THE CONFLICT OF INTEREST LAW APPLIES TO ME?

1. Where can I get advice if I believe something I might do is subject to restrictions or prohibitions imposed by the conflict of interest law? The Commission's Legal Division provides free, confidential advice to anyone subject to the conflict of interest law. Advice also may be sought from your town counsel, city solicitor, or agency counsel. To obtain advice from the Commission, call (617) 371-9500 or (888) 485-4766, or [request advice online](#).

2. When should I seek advice from the Commission's Legal Division? You should seek advice as soon as you become aware of a potential conflict of interest that might occur in the future.

You cannot seek advice about the conduct of someone other than yourself unless you are the individual's authorized representative, such as his or her attorney.

The Legal Division generally will not provide advice about hypothetical situations or speculative circumstances and will not provide advice if the conduct has already occurred. The review of past conduct situations falls under the jurisdiction of the Commission's Enforcement Division.

3. When will my request for advice be answered?

In most cases, telephone requests for advice are handled the day the call is received by the "Attorney of the Day." Occasionally, the attorney may need additional time or additional information before advice can be given.

ADDITIONAL RESOURCES: [LINK TO REQUEST ADVICE FROM STATE ETHICS COMMISSION](#)

HOW DO I FILE AN ETHICS OR FINANCIAL DISCLOSURE / VIOLATION / COMPLAINT?

1. If I believe someone has violated the conflict of interest law, how do I file a complaint?

Complaints to the Commission are handled by the Enforcement Division.

You can file a complaint:

- by telephone, by speaking to an Intake Investigator at (617) 371-9500 or (888) 485-4766;
- by letter, sent by mail to State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108;
- by letter, sent by fax, to (617) 723-5851;
- by using the [online complaint form](#); or
- by visiting the Commission office located in the McCormack State Office Building at One Ashburton Place, Room 619, in Boston.

2. May I file a complaint anonymously? Yes, while the Commission is required to keep confidential the identity of complainants, the Commission does accept anonymous complaints. However, if you identify yourself in any way, you cannot then ask to remain anonymous.

3. What happens once I make a complaint? The Enforcement Division reviews the complaint to determine whether it warrants additional investigation. Complaints about conduct that is outside the Commission's jurisdiction or beyond the Commission's statute of limitations are closed with no further action.

In most cases, complaints that fall within the Commission's jurisdiction and are timely received will receive limited investigation to corroborate facts or to obtain additional facts to assist the Enforcement Division in determining whether a complaint should be: closed with no action if the facts cannot be corroborated; closed with a confidential letter to the subject of the complaint warning about the potential conflict of interest law violation if the alleged violation is relatively minor; or assigned to an investigative team as a screening if the complaint suggests a relatively serious violation of the conflict of interest law. With the Commission's approval, a complaint may be opened for formal investigation as a Preliminary Inquiry, and at this stage, the Enforcement Division may issue Summonses to compel testimony or the production of documents.

4. Following a Preliminary Inquiry, what are the possible resolutions of a complaint?

The resolution varies with every case. If the Commission determines that there is "reasonable cause to believe" that the conflict of interest law has been violated, then the case can be resolved: with a confidential education letter to the subject; with a public education letter to the subject in which the Commission finds reasonable cause to believe the subject has violated the law, and the subject consents to the publication of the letter; with a public disposition agreement in which the subject admits to violating the conflict of interest law and pays a civil penalty; or with the Enforcement Division issuing an order to show cause, which initiates a public adjudicatory hearing.

If the Commission finds that there is "no reasonable cause to believe" that the conflict of interest law has been violated, the case is closed and remains confidential.

5. How long does the process take?

It varies with every case. Depending on the complexity of the facts or alleged violations, complaints can be resolved anywhere from several weeks to several years.

ADDITIONAL RESOURCES: [LINK FILE A COMPLAINT WITH STATE ETHICS COMMISSION](#)

WHAT IF I AM THE SUBJECT OF AN ETHICS COMPLAINT?

1. If a complaint is filed against me, can I get a copy of it?

No, by law, the Commission's investigation and any related documents are confidential and are not public records.

2. If a complaint is filed against me, can I learn who filed the complaint?

No, the Commission's statute and regulations require that complainant identities be kept confidential.

ADDITIONAL RESOURCES:

LINK TO: [File for State Ethics Commission Adjudicatory Hearing Procedures and Information](#)

LINK TO: [Representing yourself at a State Ethics Commission hearing](#)

LINK TO: [Civil penalties for violations of the conflict of interest and financial disclosure laws](#)

Source: State Ethics Commission 07/23/2021

<https://www.mass.gov/info-details/frequently-asked-questions-about-the-state-ethics-commission>

CONTACT INFORMATION FOR STATE ETHICS COMMISSION:

Main [\(617\) 371-9500](tel:6173719500)

Legal Division (617) 723-5851

Enforcement Division (617) 723-4086

Address: 1 Ashburton Place, 6th floor, Room 619, Boston, MA 02108

If you have any questions concerning the education requirements or if you are having difficulty accessing or completing the online training program please contact: David.Giannotti@mass.gov 617-371-9505